

Senate Joint Resolution No. 10

RESOLUTION CHAPTER 75

Senate Joint Resolution No. 10—Relative to firearms trafficking.

[Filed with Secretary of State August 16, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 10, De León. Firearms trafficking.

This measure would urge the President and the Congress of the United States to pursue a comprehensive approach to stem the trafficking of illicit United States firearms and ammunition into Mexico, that includes, among other things, enhanced collaboration among local, state, and federal agencies, the allocation of a permanent source of federal funding to sustain local and state law enforcement operations to combat firearms and ammunition trafficking and other border-related crimes, the redirection of federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Immigration and Customs Enforcement, and United States Customs and Border Protection resources towards this effort, reenactment of a strong federal assault weapons ban, and stronger federal authority to crack down on corrupt gun dealers.

WHEREAS, The rise of firearms and ammunition trafficking from the United States into Mexico has fueled the terrorism of both United States and Mexican citizens by Mexican drug trafficking organizations (DTOs), that has devastated thousands of families who have lost loved ones to violence on both sides of the border; and

WHEREAS, Since the start of Mexican President Felipe Calderon's administration in December 2006, Mexican law enforcement agencies have confiscated 102,600 handguns and rifles as of March 10, 2011, and Mexican security forces have seized 11,849 grenades and 10.6 million rounds of ammunition; and

WHEREAS, Violence across the United States-Mexico border has escalated dramatically as President Calderon has aggressively fought the growing power of Mexican DTOs, and approximately 34,612 people have been killed in Mexico as a result of organized crime-related violence; and

WHEREAS, In a report by the United States Government Accountability Office (GAO), United States officials note that violence associated with Mexican DTOs poses a serious challenge for United States law enforcement, and given the increased level of criminal activity in the southwestern United States, violence threatens the safety of citizens on both sides of the border; and

WHEREAS, In May 2010, the Mexican government stated that out of the 75,000 illegal firearms seized by Mexican authorities in the last three

years, about 80 percent—60,000 firearms—originated in the United States; and

WHEREAS, Estimates of guns flowing into Mexico from the United States are as high as 2,000 guns every day, a staggering statistic given that Mexico has only approximately 6,000 legally registered guns; and

WHEREAS, The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), as of May 2010, had processed 69,808 firearm trace requests from Mexico, and it appears that a majority of these firearms have a nexus to the United States; and

WHEREAS, There are an estimated 8,479 licensed United States gun dealers operating along the United States-Mexico border, and, according to several ATF officials, individuals or groups engage in straw purchasing on a regular basis as part of a scheme to traffic United States firearms into Mexico; and

WHEREAS, The ATF reports that 87 percent of firearms seized by Mexican authorities and traced over the last five years originated in the United States. Approximately 68 percent of these illegal firearms were manufactured in the United States, and approximately 19 percent were manufactured in other countries and then imported into the United States before being trafficked into Mexico; and

WHEREAS, In addition to the trafficking of firearms, the illicit trafficking of ammunition is fueling the proliferation of gun violence along the United States-Mexico border, as Mexican drug trafficking organizations have virtually unfettered access to ammunition from the United States; and

WHEREAS, According to the ATF, between the years 2006 and 2011, over 1.2 million rounds of ammunition believed to be destined for Mexico were seized during the course of ATF-instigated investigations and joint investigations originating in California, Arizona, Texas, and New Mexico. During this timeframe, 527,809 rounds of ammunition were confiscated by the ATF's Los Angeles Field Division, 14,154 rounds were confiscated by the San Francisco Field Division, 196,450 rounds were confiscated by the Phoenix Field Division, 380,001 rounds were confiscated by the Houston Field Division, and 123,300 rounds were confiscated by the Dallas Field Division; and

WHEREAS, ATF officials state that the most common method of transporting firearms illegally across the United States-Mexico border is by vehicle using United States highways, and that an opportune time to catch firearm smugglers is following a United States gun show in Arizona or Texas; and

WHEREAS, Local and state law enforcement agencies are often the first responders to the scene of a crime, and have had to deploy and devote ever-increasing numbers of officers, equipment, and other resources to address the crimes associated with the DTOs and their firearms and ammunition trafficking activities; and

WHEREAS, Despite increasingly scarce resources, local and state law enforcement agencies have implemented a proactive, cost-effective, and successful border crime initiative that highlights collaboration among all

levels of law enforcement—local, state, and federal—that includes the judicious leveraging and sharing of intelligence, equipment, and personnel to combat illegal firearms and ammunition trafficking and other border-related crimes; and

WHEREAS, Since 2006, 14 United States Custom and Border Patrol (CBP) Agents have been killed along the border of Mexico, most recently Agent Brian Terry, who was killed on December 15, 2010, by being shot with an AK-47; and

WHEREAS, In February 2011, United States Immigration and Customs Enforcement Special Agent Jaime Zapata was shot and killed and another federal agent was wounded in an ambush by Mexican drug gang members at a fake military checkpoint on a Mexican highway north of Mexico City; and

WHEREAS, DTOs have escalated the use of firearms to attack and intimidate high level Mexican law enforcement figures, including directors of federal agencies, politicians, journalists, businesses, and the general public; and

WHEREAS, Mexican government officials report that since December 2006, a total of 915 municipal police, 698 state police, and 463 federal agents have been killed by Mexican organized crime groups, and between 1999 and 2009, 32 news reporters or editors were killed, and an additional nine reporters disappeared; and

WHEREAS, On June 28, 2010, a leading Mexican gubernatorial candidate, Rodolfo Torre Cantu, was killed by gunfire in Tamaulipas, just days before the July 4, 2010, elections, and in late 2008, Armando Rodriguez, a crime reporter for El Diario de Juárez, was shot in the head by a 9mm as he drove his daughter to school; and

WHEREAS, In June 2008, Edgar Millan Gomez, acting director of the federal preventive police, was assassinated in his own home by a man wielding two 9mm pistols one week after holding a press conference in Cuiliacán to announce the arrests of 12 hit men working for the Sinaloa Cartel, and that same day, Roberto Velasco, one of the directors of the federal organized crime unit, was shot and killed in Mexico City. The next day Jose Aristeo, chief of staff for the federal preventive police, was shot and killed in the same city; and

WHEREAS, United States citizens have also been terrorized by the violence associated with United States firearms and ammunition trafficking and Mexican DTOs. For example, in May 2010, a Phoenix businessman leading a hunting expedition in Sonora, Mexico was found shot dead by an AK-47; in February 2010, United States and Mexican citizens waiting to cross into Mexico from Nogales, Arizona were trapped in a firefight that erupted in the nearby plaza; in the spring of 2008, American tourists returning through the Lukeville port of entry were trapped by gunfire while waiting in line, and a woman from Nogales, Arizona was shot and killed by AK-47 gunfire at a fake military checkpoint on a Mexican interstate highway in Sonora; and

WHEREAS, In July 2011, the United States Department of Justice announced a new federal policy that would require all United States gun stores in southwest border states to submit a report to the ATF when an individual purchases two or more rifles, including assault rifles, within five business days; and

WHEREAS, Following the expiration of the Federal Assault Weapons Ban in 2004, it has become easier to purchase high-powered assault weapons. The United States Department of Justice, Office of the Inspector General has reported that 48 percent of crime guns recovered and traced in Mexico in 2009 were long guns, up from 20 percent in 2004, and recent data also shows a surge in seizures of assault rifles and .50 caliber guns. According to the ATF, the drug cartels tend to favor military-style assault weapons such as AK-47s, AR-15s, and FN 5.7mm caliber pistols, known in Mexico as “cop killers” because they can pierce body armor; and

WHEREAS, The United States is now experiencing an era in which the number of illegal border crossings have decreased over the last decade, yet drug-related violence and the trafficking of United States firearms and ammunition into Mexico has skyrocketed; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature urges the President and the Congress of the United States to pursue a comprehensive approach to stem the trafficking of illicit United States firearms and ammunition into Mexico, that includes as its centerpiece enhanced collaboration among local, state, and federal law enforcement agencies to coordinate the interdiction of illegal firearms and ammunition trafficking and the implementation of associated border security policies and operations in an integrated manner, the allocation of a permanent source of federal funding to sustain local and state law enforcement operations to combat firearms and ammunition trafficking and other border-related crimes, the redirection of resources of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the United States Immigration and Customs Enforcement, and the United States Customs and Border Protection towards this effort, reenactment of a strong federal assault weapons ban, along with a ban on high-capacity ammunition magazines, stronger federal authority to crack down on corrupt gun dealers, extending Brady criminal background checks to all gun sales, including all sales at gun shows to prevent firearms and ammunition trafficking, and the maintenance of firearm purchase records to help law enforcement track down armed criminals and solve gun crimes; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.